

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RONALD D. SMITH,

Plaintiff,

vs.

ST. LOUIS FIRE DEPARTMENT,

Defendant.

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Case No. 4:09CV01949AGF

ORDER

This matter is before the Court for examination pursuant to Rule 4(m), Federal Rules of Civil Procedure.

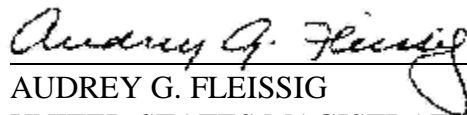
Plaintiff commenced this action on **November 25, 2009**, naming **St. Louis Fire Department** as defendant. A review of the Court file shows that defendant **St. Louis Fire Department** has not been served in this matter nor has service been waived on its behalf. Under Rule 4(m), Federal Rules of Civil Procedure, the Court, after notice to the plaintiff, is directed to dismiss an action against a defendant upon whom service has not been made within 120 days after the filing of the complaint.

The Rule 4(m) period for service expires **March 25, 2010**, 120 days after the filing of plaintiff's complaint.

Therefore,

IT IS HEREBY ORDERED that plaintiff shall cause service to be effected upon defendant **St. Louis Fire Department** not later than **March 25, 2010**. In the absence of good cause shown, failure to timely serve said defendant shall result in the dismissal of plaintiff's claims as to said defendant without prejudice.

Dated this 3rd day of March , 2010.

A handwritten signature in cursive script, reading "Audrey G. Fleissig", is written over a horizontal line.

AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE